

U.S. House of Representatives, Committee on International Relations
Subcommittee on Africa, Global Human Rights and International Operations
and Subcommittee on Asia and the Pacific

“HUMAN RIGHTS IN BURMA: WHERE ARE WE NOW AND WHAT WE DO NEXT?”

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Testimony by:

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Mr. Chairmen, Ranking Member, and Members of Congress,

Thank you very much for giving me the opportunity to speak on the situation of human rights in Burma. I would like to take this opportunity to say that we all appreciate the United States Congress and Administration for giving us hope and encouragement in our long struggle. I also want to thank Ambassador Christopher Hill and Assistant Secretary Barry Lowenkron for their commitment to addressing human rights in Burma and around the world.

My name is Bo Kyi. I am the Joint-Secretary of the Assistance Association for Political Prisoners (Burma), an organization based on the Thailand-Burma border. The AAPP was formed in 1999 by former political prisoners who fled from Burma to avoid re-imprisonment. Like other members of AAPP, I served time in prison for my political beliefs. Altogether I completed two consecutive sentences and spent over seven years behind bars. My mission now, and the greater mission of the AAPP as an organization, is to document the suffering of democracy activists in the gulags of the military regime and to expose these abuses to the civilized world.

I am not here to gain sympathy for my sufferings as a victim of Burma's military junta; rather I am here to talk about facts, and also to talk about the courage and bravery of my people, who continue to strengthen our struggle for freedom and democracy.

Human Rights in Burma Today

One month ago, the Washington Post published a major article on torture in Burma. This article was quite accurate, and described how political prisoners are treated in Burma. At present, there are over 1,100 political prisoners in Burma, including 12 elected members of parliament. The world's only imprisoned Nobel Peace Prize recipient, Aung San Suu Kyi, is also in detention. All these prisoners have been arrested for working for freedom and democracy. At least 80 political prisoners have died in prisons and interrogation centers due to torture and denial of medical treatment. Most of those arrested and detained have been subjected to torture.

To put it simply, the easiest way to become a political prisoner in Burma is to try to exercise your basic human rights, or advocate for the basic rights of others. All basic rights, including freedom of speech, freedom of press, freedom of association, freedom of worship, and freedom of movement are denied or severely limited by the military regime.

Last December, we published a report, entitled "The Darkness We See", detailing the torture inflicted on political prisoners in Burma and also showing the physical and psychological effects of torture.

We conducted interviews with thirty-five former political prisoners who have been tortured physically and psychologically in some of the country's forty-three prisons.

We have concluded that it is clear that torture is the state policy of the military junta. Torture is used by the military regime to try and break the will of political activists and create an overwhelming climate of fear. We have asked the international community to help us in our efforts to abolish torture and lift this climate of fear in Burma.

Overall, the human rights situation in Burma today is still quite bad and will never improve under the hands of Than Shwe. Hundreds of thousands of ethnic nationalities live as internally displaced persons in the jungles and mountains. More than two million people live in neighboring countries as refugees. Forcible recruitment of children into the Burmese military continues, and Burma has more child soldiers than any other country in the world. Modern forms of slave labor, as well as forced relocations, have become a common practice of Than Shwe's regime not only in rural areas, but also in the capital city of Rangoon and other major cities. The Burmese military continues to use rape as a weapon of war in ethnic minority areas. Burma is still the second largest producer of heroin. According to Parade Magazine, Than Shwe is the third worst dictator in the world, after Kim Jong Il of North Korea and Robert Mugabe of Zimbabwe.

As someone who has struggled for democracy under Than Shwe's military regime, I can tell you that the unbelievable suffering you hear about in the news and read in the papers is true life in Burma.

My Story

I was arrested while I was having lunch with family. I was brought to a military intelligence center. I was handcuffed and blindfolded. After that I was brought to the court. In court, a so-called judge remanded me to detention but I didn't understand and I don't think even the judge understood what he was doing. It took only 5 minutes.

I was taken away in a car. Military intelligence personnel shoved their guns into my ribs and ordered me not to shout. I was ordered to lie down in the car so the public couldn't see me. After an hour drive, I heard the car engine stop and the military intelligence ordered me to jump down. I had no idea where I was since I was blindfolded.

After ten minutes of walking, I was told to stop. I heard someone open a door. There was no need for me to walk because someone kicked me in the back. When my forehead slammed against the wall, I collapsed. I heard them lock the door, but I could not stand up and I could only see stars in my eyes. I tried to stay quiet and recover from my head injury.

One half hour later, when I didn't hear anything, I removed my hood and saw that I was in an 8 by 8 foot room. There were a table and two chairs. There was a bed and a light. When I lied down on bed, many bugs bit me. I understood that they intentionally placed the bugs on the bed.

I sat down near by the bed and thought about what information they wanted to get from me.

“Blindfold!” someone ordered from the outside and I put it back on. He asked my name and said that he had heard my name many times but he had never seen me in person. He said that before he saw me, he thought I would be very big and strong. However when he saw me in person, I was thinner than a stick he’d used to beat a dog. They didn’t ask any questions but many other intelligence personnel came to me and said the same.

All day, they didn’t provide food and water. I grew hungry and asked for food and water. He said it was midnight and too late. I asked for water. He said that he had no authority to give it.

When I looked on the walls, I saw spattered blood and many names including my friends. I asked myself where were they now, tortured, dead, or in prison? I began to grow worried and realized that the torture had already started: denial of food and water, blindfolding, and solitary confinement.

One intelligence officer interrogated me while I was blindfolded, asking whether I had contact with opposition groups along the Thai-Burma border. I replied that I had no contact. As soon as I answered, his fist slammed into my belly and I was knocked down.

I could not count for how many hours this went on. Eventually I could not stand up anymore, even as they screamed at me to rise. I said I needed a doctor. My legs were swollen and I was in serious pain.

They told me that if I wanted to rest, I had to tell the truth. I told him that I would tell the truth but first I wanted to use the toilet. The interrogator allowed using toilet, and because I had not had any water I leaned over and drank from the toilet.

The MI officer said that if I told him what I had done, I could be released tomorrow, and if I agreed to work with him my family could be rich. I said I would tell the truth, but not for these reasons.

I wrote down what I had done on some paper he gave me. I explained truthfully, that I was one of the executive committee members of Burma’s national student union. I helped lead a peaceful demonstration near Rangoon Arts and Sciences University. During the demonstration, we demanded the release of all students who were in prison and the legalization of our student union.

When the MI officers entered again they asked if I had finished my writing. I said, yes. After reading it, he was angry and beat me again. Then I was ordered to stand up again. I didn’t know how many days I had been there. They told me that I would be in prison for several years.

I was locked up there for 9 days. I was not allowed to take a shower. Once I was transferred from the military intelligence center to the prison, I was locked in solitary confinement. I had no contact with anyone, including my family.

One week after I had been transferred to prison, my name was called and I was brought to the prison gate. They told me that my case was to be heard by a martial court, which consisted of military officers. One military officer asked me whether I broke the law or not. I replied, "Absolutely not." Then he said I was sentenced to 3 years imprisonment with hard labour.

I asked the intelligence officer to inform my family, but they did not. Three months later I was transferred to Mandalay prison, which was far away from my family. I was not beaten physically but I faced starvation because my family could not visit me regularly and provide enough food and medicine. I slept on a thin mat of concrete. The prison authorities didn't allow us to use mosquito nets. Therefore everyone slept badly because of the mosquitoes.

There was only one hospital in the overcrowded prison. The hospital provides no medicine except some kinds of temporary anesthetics and antiseptics, plus Paracetamol and Aspirin. The doctor neither examines patients nor prescribes medicine for them; these tasks are carried out by prisoners who committed real crimes. The prison hospital was always dirty and the sanitation was incredibly poor.

As a result of my treatment, I began to suffer from hypertension, heart disease and back pain, which has lasted to this day. I was released from prison on January 21, 1993.

When I was released from prison, I tried to re-enter the university because I had been a final-year student at the Rangoon Arts and Science University before I was arrested. I was told not to attend classes, but I took my exams anyway. After I passed, the military intelligence threatened my life. I was not allowed to have a normal job in a firm or company because of my involvement in politics and human rights activities. I could only work as a private tutor.

After this, the military asked me to become an informer. I said that I would for the sake of the people, under two conditions: the first was the release of all political prisoners. The second was for the regime to enter into a political dialogue with Aung San Suu Kyi and the NLD. I agreed to work with the army if these two points were ensured. They denied my request, and I refused to comply with the junta's request.

For denying the regime, I was arrested again. This time they had no mercy whatsoever. I was beaten mercilessly two times until I passed out. I was held for a year without trial, and sent to Insein prison. On 6 July 1996 I was hooded and handcuffed in my Insein Prison cell and taken to the court inside the prison compound. I was interrogated throughout the day and accused of planning a commemoration of a famous day in Burmese history. During the interrogation I was forced to lie on my stomach on the ground while interrogators stepped on me and whipped me with a rubber cord about one inch in diameter. While beating me, when I didn't scream they told me that I was stubborn, and when they beat me harder I screamed and they told me I was the scourge of our country.

After being hit 150 times, I lost consciousness. When I woke up, I was taken in chains to a solitary confinement cell. I was then forced to assume various *ponsan* positions for one hour at a time, twice a day. For 12 days I had to perform the same *ponsan* routine, while remaining in chains which encircled my waist and which were attached to an iron bar between my legs. I had sores and bruises on my ankles, forehead, elbows, and knees. During that time I was also made to "*hop like a frog*" while in chains.

I was transferred to Tharawaddy Prison in November 1997 where I remained until my release. After my possessions were confiscated I was held in solitary confinement from November 1997 until May 1998. I was released in October 1998 on completion of my sentence but remained under intense surveillance until I fled the country in September 1999. As a result of brutal treatment both interrogation and prisons I am unable to undertake physical work and can not sit or stand for prolonged periods.

After being released a second time, I worked as a private tutor again. I tried to do something to bring about real change and to restore democracy and human rights. During this time however, I was under suspicion of the government and was also under military surveillance. They eventually came to my home. Luckily I was not there at that time, but many of my friends were arrested. I hid in Burma for a short time, and eventually fled to the Burma/Thailand border, where I am now in exile. Even though I live on the Burma/Thailand border, I was not granted asylum from Thailand because they have not yet ratified the U.N. refugee charter. So, I have no choice but to live as an exile.

Other Political Prisoners

Kalay Prison -- I am not the only person to have suffered inside prison in Burma. Just two weeks ago on January 24th some prisoners in Kalay prison in Northwestern Burma tried to make a request for more food and water to the prison authorities. Instead of responding positively, prison authorities responded by beating these prisoners as brutally as possible. About 80 prisoners were beaten by the jailors and two prisoners died instantly. Many of them were seriously injured and put in the solitary confinement as the punishment. One political prisoner Nyunt Aung was seriously injured in this brutal attack and so far no medication has been made available for him. The situation for the other six political prisoners, which include a leader of a political party (Sai Nyunt Lwin) and an elected member of parliament from Aung San Suu Kyi's political party (Sai Nyunt Lwin) is still unknown. The International Committee of the Red Cross has been denied access to the prison – a clear violation of ICRC policy.

Just three weeks before that, another political prisoner, Khin Maung Lwin (38 years old) passed away on January 11, 2006 at Putao prison in Kachin State, Northern part of Burma. He was arrested in 1998, after he sent an open letter to the State Sangha Maha Nayaka, the highest body of Senior Buddhist Monks, to help the people of Burma to be free. A summary court sentenced him to ten years imprisonment with hard labor and transferred him to Putao prison in Kachin State, 900 miles away from Rangoon. Due to physical and psychological torture in interrogation center and prison, his health situation seriously deteriorated. Purposeful denial of medical treatment by the military regime caused his death.

Aung Myint Thein -- In another recent case, Aung Myint Thein was a human rights activist and lived in Rangoon. He collected information on the human rights situation in Burma and reported it to international organizations including the International Labor Organization, a United Nations Agency. He did so at great risk to his personal safety, and with the knowledge that his actions could lead to his arrest. On August 28, 2005, the authorities held a press conference in which they announced that ten people had been arrested, including Aung Myint Thein. It is likely that he was tortured and he died in prison after purposeful denial of health care by the military regime.

Aung Hlaing Win -- In yet another case, Aung Hlaing Win, a 30 year-old member of National League for Democracy, was dragged from a restaurant in the capitol city of Rangoon on May 1st of 2005 by four plain-clothes intelligence officers. Ten days later, his family was informed by Lieutenant Colonel Min Hlaing, the commander of No.1 Military Intelligence Unit, that Aung Hlaing Win had died in custody after suffering a heart attack and that his body had already been cremated. The Lt. Col. offered Aung Hlaing Win's family \$100 to pay for a memorial service, but the family refused the money.

Aung Hlaing Win's wife could not understand why her young and healthy husband suddenly had a heart attack. She also didn't understand why his body was cremated without her consent. She also didn't understand why her

husband was arrested in the first place without a warrant, so she filed a case in court. In an extremely rare move that we believe was an accident, the township judge permitted a doctor who had examined Aung Hlaing Win's body in the hospital, to testify in a pre-trial hearing and doctor testified that his death was the result of extensive and severe injuries inflicted upon his body. However, court officials, who serve only to do the bidding of the ruling military junta, called the death "natural" and dismissed the case.

Su Su Nway -- In another case, Su Su Nway, a 34 year-old NLD member, at great risk to her own life, reported on the regime's forced labor practices to the International Labor Organization's office in Rangoon. She subsequently sued local authorities from Htan-Manaing and Mya-Sanni villages for forced labor practices. In a rare court decision, Su Su Nway won her case and the local authorities responsible for coercing villagers into forced labor were given prison sentences. However, military authorities put her under constant surveillance and harassment since then. The authorities subsequently counter-sued her on the false allegation of 'besmearing their reputation.' She was sentenced and taken to Insein prison. She has repeatedly, and elegantly, stated her willingness to go to prison for the truth, for the right of her fellow villagers to be free from the practice of forced labor.

All of these cases in which individual activists have been arrested, tortured, and imprisoned for their beliefs should not be seen as tragedies. Yes, they are sad. But we want the world to see that we are struggling, we are fighting, and we are trying as hard as we can to bring change to our country.

Policy Recommendations

I would like to make a couple of recommendations for the United States and world community.

First, the world should press ahead to pass a resolution on Burma at the United Nations Security Council. Right now the military regime has been unable to divide and conquer international opinion, but a resolution would force them to the bargaining table. We thank Archbishop Tutu and President Vaclav Havel for giving us so much support in this effort. We also thank President Bush and members of the Congress from both parties for making Burma a diplomatic priority. We believe that because of the effective diplomacy of the United States and the regime's refusal to make any changes, even traditional allies of the regime are beginning to take a second look at Burma. This is very encouraging and we urge the United States to press forward with a full UN Security Council resolution in 2006.

Second, three years ago the United States Congress adopted the Burmese Freedom and Democracy Act almost unanimously. This is a very effective measure and has hurt the military regime and its cronies quite badly both in terms of finance and reputation. This is very encouraging for Burmese democracy activists and we feel that we are not alone. We request the Congress to maintain the Burmese Freedom and Democracy Act.

Because of strong resolve by the United States, ASEAN is now diverting from its traditions and beginning to pressure the regime to expedite political change in Burma. Some ASEAN members, including the Philippines, Malaysia, Indonesia and Singapore are showing their willingness to work together with the United States to promote freedom in Burma. We ask the Congress to encourage the U.S. Administration to continue its diplomatic efforts with these countries.

Finally, we ask you to work with China on a reasonable solution to Burma's problems. China has significant influence over Than Shwe's military regime. It is important to understand that Burma's democracy movement

does not seek to undermine or offend China. We want China to be a reasonable and responsible neighbor and we believe there is much we can learn from each other. We would like the United States to speak to China about the situation in our country.

Thank you again Mr. Chairmen and Ranking Members. We thank the United States for supporting our efforts. We are working hard and will find national reconciliation and true stability in Burma soon. Changing Burma is not mission impossible, and it can happen soon.